

Thursday, January 19, 1995

# Daily Digest

## Senate

### Chamber Action

#### *Routine Proceedings, pages S1129-S1250*

**Measures Introduced:** Nine bills and four resolutions were introduced, as follows: S. 243-251, S.J. Res. 21-22, and S. Con. Res. 2-3. **Page S1207**

**Unfunded Mandates:** Senate continued consideration of S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, taking action on amendments proposed thereto, as follows: **Pages S1140-89, S1194-S1205**

#### Adopted:

(1) By a unanimous vote of 99 yeas (Vote No. 26), Levin/Kempthorne/Glenn Amendment No. 143, to provide for the infeasibility of the Congressional Budget Office making a cost estimate for Federal intergovernmental mandates. **Pages S1140-44**

(2) Nickles Amendment No. 169 (to Amendment No. 31), to require agencies to report on a proposed regulation's cost to the private sector if it is in excess of \$100 million annually. **Pages S1181-87**

(3) By a unanimous vote of 96 yeas (Vote No. 30), Levin Modified Amendment No. 170, to include gender in the statutory rights prohibiting discrimination to which the Act shall not apply. **Pages S1187-89, S1197**

#### Rejected:

(1) Bumpers Amendment No. 144 (to Amendment No. 31), to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property. (By 73 yeas to 25 nays (Vote No. 28), Senate tabled the amendment.) **Pages S1140, S1150-58**

(2) Lieberman Amendment No. 151 (to Amendment No. 31), to exclude laws and regulations ap-

plying equally to governmental entities and the private sector. (By 53 yeas to 44 nays (Vote No. 29), Senate tabled the amendment.) **Pages S1160-80**

(3) Wellstone/Dodd Amendment No. 171 (to Amendment No. 31), to prohibit the consideration of legislation reported by a Congressional committee which does not contain an analysis of the probable impact of the legislation on children. (By 55 yeas to 42 nays (Vote No. 31), Senate tabled the amendment.) **Pages S1194-S1200**

(4) Gorton Amendment No. 31 (to committee amendment number 11), to prohibit the approval or certification of certain national history standards proposed by the National Center for History in Schools. (By 54 yeas to 43 nays (Vote No. 32), Senate tabled the amendment.) **Pages S1140-89, S1194-S1201**

(5) Committee amendment number 11, beginning on page 25, line 11, pertaining to committee jurisdiction. (By 55 yeas to 42 nays (Vote No. 33), Senate tabled the amendment.) **Pages S1140, S1194-S1201**

(6) Committee amendment number 12, beginning on page 27, line 9, to establish determinations of applicability to pending legislation and of Federal mandate levels. (By 55 yeas to 42 nays (Vote No. 34), Senate tabled the amendment.) **Page S1201**

(7) Committee amendment number 13, on page 33, line 11, to provide for consideration of legislation. (By 55 yeas to 42 nays (Vote No. 35), Senate tabled the amendment.) **Page S1202**

(8) Committee amendment number 14, beginning on page 34, line 10, to make provisions applicable of the Administrative Procedure Act. (By 55 yeas to 42 nays (Vote No. 36), Senate tabled the amendment.) **Page S1202**

During consideration of this bill today, the Senate also took the following action:

By 54 yeas to 44 nays (Vote No. 27), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill. **Page S1146**

A third motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Saturday, January 21. **Page S1201**

Subsequently, the vote on the cloture motion scheduled to occur on Friday, January 20, and the vote on the cloture motion, listed above, were vitiated.

Pages S1203-05

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto.

Pages S1203-05

**Message from the President:** Senate received the following message from the President of the United States: Transmitting the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coast of the United States; which was referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations. (PM-1).

Page S1207

**Messages From the President:**

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**Statements on Introduced Bills:**

Pages S1207-36

**Additional Cosponsors:**

Page S1237

**Amendments Submitted:**

Pages S1238-41

**Notices of Hearings:**

Page S1241

**Authority for Committees:**

Page S1241

**Additional Statements:**

Pages S1241-50

**Record Votes:** Eleven record votes were taken today. (Total—36)

Pages S1144, S1146, S1157-58, S1180, S1197, S1200-02

**Recess:** Senate convened at 9 a.m., and recessed at 11:55 p.m., until 10 a.m., on Friday, January 20, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on pages S1203-05.)

## Committee Meetings

(Committees not listed did not meet)

### EDUCATION REFORM/CHARTER SCHOOLS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education concluded hearings on issues relating to the restructuring and improving public education in America, focusing on the Federal charter school program, after receiving testimony from Linda G. Morra, Director of Education and Employment Issues, Health, Education, and Human Services Division, General Accounting Office; Louann A. Bierlein, Arizona State University, Tempe; and Linda Powell, Minnesota Commissioner of Education, and Milo J. Cutter, City Academy, both of St. Paul.

### FUTURE OF HUD

*Committee on Appropriations:* Subcommittee on VA, HUD, and Independent Agencies concluded hearings to examine the management and budgetary situation at the Department of Housing and Urban Development, after receiving testimony from Henry G. Cisneros, Secretary, and Susan Gaffney, Inspector General, both of the Department of Housing and Urban Development; Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; and R. Scott Fosler and Feather O'Connor Houstoun, both of the National Academy of Public Administration, Washington, D.C.

### ARMED FORCES

*Committee on Armed Services:* Committee held hearings to examine the condition of the United States Armed Forces and its future trends, receiving testimony from Maj. Gen. Douglas D. Buchholz, USA, Commanding General, U.S. Army Signal Center and Fort Gordon; Commander James G. Stavridis, USN, Commanding Officer, USS *John Barry* (DDG 52); Col. Jennings B. Beavers II, USMC, Commanding Officer, 8th Marine Infantry Regiment, 2nd Marine Division; Lt. Col. Mark G. Beesley, USAF, Commanding Officer, 494th Fighter Squadron, United States Air Force Europe; Edwin Dorn, Under Secretary (Personnel and Readiness), and John J. Hamre, Comptroller, both of the Department of Defense; and Adm. William A. Owens, USN, Vice Chairman, Joint Chiefs of Staff.

Hearings were recessed subject to call.

### NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nomination of Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner, after the nominee, who was introduced by Senator Sarbanes, testified and answered questions in his own behalf.

### NUCLEAR SAFETY: U.S.-NORTH KOREAN NUCLEAR ACCORD

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine the impact of the agreement between the United States and the Democratic People's Republic of Korea regarding the North Korea nuclear program on the Department of Energy and U.S. energy policy, after receiving testimony from Senator McCain; Charles B. Curtis, Under Secretary of Energy; Ashton B. Carter, Assistant Secretary of Defense for International Security Policy; Gary Samore, Deputy to the Ambassador at Large, Department of State; Ivan Selin, Chairman,

Nuclear Regulatory Commission; Morris Rosen, Assistant Secretary General and Director of Nuclear Safety, International Atomic Energy Agency (United Nations); Caspar W. Weinberger, former Secretary of Defense; Gary Milhollin, University of Wisconsin Law School, Madison, on behalf of the Wisconsin Project on Nuclear Arms Control; and Nicholas N. Eberstadt, American Enterprise Institute, Washington, D.C.

## JOB CORPS PROGRAM

*Committee on Labor and Human Resources:* Committee concluded hearings to examine performance, accountability, and the incidence of violence at Job Corps sites, after receiving testimony from Doug Ross, Assistant Secretary for Employment and Training Administration, and Peter E. Rell, Director, and John Deering, Admissions Counselor (Region Five), both of the Job Corps, all of the Department of Labor; Larry King, Pine Knot, Kentucky, on behalf of the National Federation of Federal Employees/Forest Service Council; Mary S. Young, David L. Carrasco Job Corps Center, El Paso, Texas; Jamison Gorby, Red Rock Job Corps Center, Lopez, Pennsylvania; Curtis Gadsden, Mahwah, New Jersey; Robert Belfon, Piscataway, New Jersey; and John C. McCay, Irving, Texas.

## COMMITTEE BUDGET REQUESTS

*Committee on Rules and Administration:* Committee concluded hearings after receiving testimony from Senators, as indicated, in support of resolutions requesting funds for operating expenses of their respective committees for periods from March 1, 1995, through February 29, 1996, and from March 1, 1996, through February 28, 1997, as follows:

*Select Committee on Intelligence:* (S. Res. 43), Senators Specter and Kerrey;

*Committee on Appropriations:* (S. Res. 38), Senator Hatfield;

*Committee on Labor and Human Resources:* (S. Res. 62), Senators Kassebaum and Kennedy;

*Committee on Indian Affairs:* (S. Res. 40), Senators McCain and Inouye;

*Committee on Commerce, Science, and Transportation:* (S. Res. 56), Senators Pressler and Hollings;

*Committee on Banking, Housing, and Urban Affairs:* (S. Res. 52), Senators D'Amato and Sarbanes;

*Committee on Governmental Affairs:* (S. Res. 45), Senators Roth and Glenn;

*Committee on Veterans Affairs:* (S. Res. 64), Senators Simpson and Rockefeller;

*Committee on Armed Services:* (S. Res. ), Senators Thurmond and Nunn; and

*Committee on Environment and Public Works:* (S. Res. 48), Senators Chafee and Baucus.

Committee will begin consideration of the committee budget requests on Wednesday, January 25.

# House of Representatives

## Chamber Action

**Bills Introduced:** Thirty-one public bills, H.R. 566–596; and seven resolutions, H.J. Res. 56–60 and H. Res. 39–40, were introduced.

Pages H398–H400

**Report Filed:** One report was filed as follows: Report entitled "Summary of Activities of the Committee on Banking, Finance and Urban Affairs During the 103d Congress" (H. Rept. 103–892), filed on January 2).

Page H398

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designates Representative Dreier to act as Speaker pro tempore for today.

Page H329

**Journal:** By a yea-and-nay vote of 218 yeas to 187 nays, Roll No. 20, the House approved the Journal of January 18.

Pages H329–30

**Unfunded Mandates Reform:** House completed all general debate on H.R. 5, to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector; but came to no resolution thereon. Consideration of amendments will begin on January 20.

Pages H345–70

H. Res. 38, the rule under which the bill is being considered, was agreed to earlier by a yea-and-nay vote of 350 yeas to 71 nays, Roll No. 21

Pages H334–44

**Joint Economic Committee:** The Speaker appointed Representatives Saxton, Ewing, Quinn, Manzullo, Sanford, Thornberry, Stark, Obey, Hamilton, and

Mfume as members of the Joint Economic Committee on the part of the House. **Page H370**

**House of Representatives Page Board:** Read a letter from the Minority Leader wherein he appointed Representative Kildee to serve on the House of Representatives Page Board for the 104th Congress.

**Page H370**

**Presidential Message—Fisheries Off the Coasts of the United States:** Read a message from the President wherein he transmits the Agreements between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, to June 30, 1996—referred to the Committee on Resources and ordered printed (H. Doc. 104-21).

**Page H370**

**Amendments Ordered Printed:** Amendments ordered printed pursuant to the rule appear on pages H400-11.

**Quorum Calls—Votes:** Two yea-and-nay votes were developed during the proceedings of the House today and appear on pages H329-30 and H343-44. There were no quorum calls.

**Adjournment:** Met at 10:00 a.m. and adjourned at 5:59 p.m.

## Committee Meetings

### INTERIOR APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Interior (and Related Agencies) held a hearing on Secretary of Energy, and on Chief of Forest Service. Testimony was heard from Hazel R. O'Leary, Secretary of Energy; and Jack W. Thomas, Chief, Forest Service, USDA.

### LABOR—HHS—EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor—Health and Human Services—Education (and Related Agencies) held a hearing on Corporation for Public Broadcasting. Testimony was heard from Senator Pressler; Representatives Rohrabacher, Boehlert, Markey, Hefley, Crane, and Engel; the following officials of the Corporation for Public Broadcasting: Richard Carlson, President and CEO; and Henry Cauthen, Chairman, Board of Trustees; and public witnesses.

### TREASURY—POSTAL SERVICE—GENERAL GOVERNMENT APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Treasury—Postal Service—General Government held a hearing on Downsizing Government/GSA Construc-

tion and Leasing. Testimony was heard from public witnesses.

### COMMON SENSE LEGAL REFORMS ACT

*Committee on Commerce:* Subcommittee on Telecommunications and Finance held a hearing on H.R. 10, Common Sense Legal Reforms Act of 1995 (Title II, Reform of Private Securities Litigation). Testimony was heard from public witnesses.

### CONTRACT WITH AMERICA: WELFARE REFORM

*Committee on Economic and Educational Opportunities:* Subcommittee on Postsecondary Education, Training and Life-Long Learning continued hearings on Contract With America: Welfare Reform/JOBS Program. Testimony was heard from William Waldman, Commissioner, Department of Human Services, State of New Jersey; Michael Genest, Deputy Director, Welfare Programs Division, Department of Social Services, State of California; Jean Rogers, Administrator, Division of Economic Support, Department of Health and Human Services, State of Wisconsin; and a public witness.

### REGULATORY TRANSITION ACT

*Committee on Government Reform and Oversight:* Subcommittee on National Economic Growth, National Resources and Regulatory Affairs held a hearing on H.R. 450, Regulatory Transition Act of 1995. Testimony was heard from Representatives DeLay, Bliley, and Gekas; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; Jim Strock, Environmental Protection Agency, State of California; and public witnesses.

### EVALUATING U.S. FOREIGN POLICY

*Committee on International Relations:* Continued hearings on Evaluating U.S. Foreign Policy, Part II. Testimony was heard from Zbigniew Brzezinski, former National Security Adviser; and a public witness.

Hearings continue January 26.

### TAKING BACK OUR STREETS ACT

*Committee on the Judiciary:* Subcommittee on Crime held a hearing on issues related to H.R. 3, Taking Back Our Streets Act of 1995. Testimony was heard from John Schmidt, Associate Attorney General, Department of Justice; Daniel E. Lungren, Attorney General, State of California; James E. Gilmore III, Attorney General, State of Virginia; Robert H. Macy, District Attorney, Oklahoma City, State of Oklahoma; Lynne Abraham, District Attorney, Philadelphia, State of Pennsylvania; and public witnesses.

Hearings continue tomorrow.

**ADEQUACY OF THE ADMINISTRATION'S DEFENSE FUNDING PLAN**

*Committee on National Security:* Held a hearing on the adequacy of the Administration's defense funding plan. Testimony was heard from Cindy Williams, Assistant Director, National Security Division, CBO; Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs, GAO; and public witnesses.

**TAX—HOME OFFICE DEDUCTION AND INDEPENDENT CONTRACTOR STATUS**

*Committee on Small Business:* Held a hearing on Tax—Home Office Deduction. Testimony was heard from Representative Allard; and public witnesses.

The Committee also held a hearing on Tax—Independent Contractor Status. Testimony was heard from public witnesses.

**COMMITTEE ORGANIZATION**

*Committee on Transportation and Infrastructure:* Subcommittee on Surface Transportation met for organizational purposes.

**COMMITTEE ORGANIZATION**

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment met for organizational purposes.

**CONTRACT WITH AMERICA**

*Committee on Ways and Means:* Continued hearings on proposals contained in the Contract With America, with emphasis on provisions to strengthen the American family. Testimony was heard from Representative Roth; and public witnesses.

Hearings continue January 24.

**INTELLIGENCE SUPPORT TO THE U.N.**

*Permanent Select Committee on Intelligence:* Held a hearing on Intelligence Support to the United Nations. Testimony was heard from the following officials of the Department of State: Toby T. Gati, Assistant Secretary, Bureau of Intelligence and Research; and Ambassador K. F. Inderfurth, Deputy U.S. Permanent Representative to the United Nations; Ambassador Hugh Montgomery, Special Assistant to the Director of Intelligence for Foreign Intelligence Relationships, CIA; and Maj. Gen. Patrick M. Hughes,

USA, Director of Intelligence, J-2, Joint Chiefs of Staff, Department of Defense.

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**Joint Meetings****CHECHNYA**

*Commission on Security and Cooperation in Europe (Helsinki Commission):* Commission held hearings on the Russian assault on the Chechen Republic, focusing on its impact on Russian domestic policy and implications for international relations in the post-Cold-War period, receiving testimony from Elena Bonner, Moscow, Russia; Mohammed Shashani, Chechen-Ingush Society of America, Pittsburgh, Pennsylvania; and Paul Goble, Carnegie Endowment for International Peace, Charles Fairbanks, Johns Hopkins Foreign Policy Institute, and Maryam Elahi, Amnesty International, all of Washington, D.C.

Hearings were recessed subject to call.

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**COMMITTEE MEETINGS FOR FRIDAY,  
JANUARY 20, 1995**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings are scheduled.

**House**

*Committee on the Judiciary,* Subcommittee on Crime, to continue hearings on issues related to H.R. 3, Taking Back Our Streets Act of 1995, 9 a.m., 2237 Rayburn.

*Committee on Small Business,* hearing on Tax-Deductibility of Health Insurance Costs by the Self-Employed, 10 a.m., 2359 Rayburn.

*Committee on Ways and Means,* Subcommittee on Health, to hold an organizational meeting, 11 a.m.; followed by a hearing on tax incentives for long-term care insurance as part of H.R. 8, Senior Citizens' Equity Act, 11:30 a.m., 1310 Longworth.

Subcommittee on Human Resources, to continue hearings on H.R. 4, Personal Responsibility Act, 10 a.m., 1100 Longworth.

**Joint Meetings**

*Joint Economic Committee,* to hold hearings on proposals to amend the Constitution of the United States to require a balanced budget, 10 a.m., SD-562.

*Next Meeting of the SENATE*

10 a.m., Friday, January 20

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Friday, January 20

## Senate Chamber

**Program for Friday:** No legislative business is scheduled.

## House Chamber

**Program for Friday:** Continue consideration of H.R. 5, Unfunded Mandates Reform Act of 1995.

## Extensions of Remarks, as inserted in this issue

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